

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:02CR355
)	
Plaintiff,)	
)	
v.)	MOTION TO AMEND SPECIAL
)	CONDITIONS OF SUPERVISION
)	
STEPHEN PHILIP KRAMER,)	
)	
Defendant.)	

The Defendant, Stephen Kramer, by and through his attorney, Jessica L. Milburn, requests the Court amend paragraphs 2 and 7 of the Special Conditions of Supervision imposed on August 12, 2003.

Paragraph 2 of the Special Conditions of Supervision states as follows:

The defendant shall have no contact, nor reside with children under the age of 18, including his own children, unless approved in advance and in writing by the U.S. Probation Officer in consultation with the supervision team. The defendant must report all incidental contact with children to the treatment provider and the U.S. Probation Officer.

Mr. Kramer has two children: Rachel Diane Kramer, age 17, and Peter Jordan Kramer, age 14. The children are currently living in Arkansas with their mother, Sandra Jean Kramer. Both parents desire that the Defendant have contact with his children on Christmas this year, and all other dates agreed upon by both parents. There is no evidence in this case or otherwise that the Defendant is in any way a danger to his children. Reunification with their father is vitally important to the children. Therefore, the Defendant requests the language in paragraph 2 be changed to the following:

The defendant shall have no contact, nor reside with children under the age of 18, except for his own children, unless approved in advance and in writing by the U.S. Probation Officer in consultation with the supervision team. The

defendant must report all incidental contact with children, other than his own children, to the treatment provider and the U.S. Probation Officer.

Counsel has spoken with supervising probation officer Drew Cromwell, who agrees that the Defendant should have contact with his children. Mr. Cromwell has no objection to the Defendant's motion.

Paragraph 7 of the Special Conditions of Supervision states as follows:

The defendant is prohibited from using or having access to any online computer programs such as America Online or any other computer networking service throughout the term of supervision.

The Defendant requests the Court replace paragraph 7 with the following condition, which was drafted and approved by probation officer Drew Cromwell:

The defendant shall submit/consent to quarterly searches of all electronic media as directed by the U.S. Probation Officer with or without the cooperation of law enforcement.

WHEREFORE, the Defendant requests the Court amend paragraphs 2 and 7 of the Special Conditions of Supervision imposed on August 12, 2003. The Defendant further requests that the Court amend such conditions without a hearing, as the probation officer does not object, and the children's mother agrees that the Defendant should be able to see his children. The Defendant respectfully requests a ruling on these issues prior to the Christmas holiday. The defense can present evidence should the Court so desire.

STEPHEN KRAMER, Defendant,

By: s/ Jessica L. Milburn

JESSICA L. MILBURN

Assistant Federal Public Defender

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Michael D. Wellman, Assistant United States Attorney, Omaha, NE.

I also certify that a true and correct copy was served via interoffice mail on Drew Cromwell at the United States Probation Office, 111 South 18th Plaza, #C79, Omaha, NE on December 16, 2005.

s/ Jessica L. Milburn